

SEPA RULES

TO BE COMPLETED BY APPLICANT

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal contains revisions to King County's regulations of sensitive areas. Such regulations limit the alteration of certain sensitive areas and require any development in hazard areas only under conditions that do not represent a hazard to the development or increase those hazards in any way. The regulations or the changes to them would not increase the discharges to water or air, nor would it result in increase in the production, storage or release of toxic or hazardous substances or the production of noise.

One of the main purposes of the sensitive area regulations is the protection of water features. These protections result in the decrease of discharges to water and the removal of some of the land base from development which could result in emissions and increases toxic or hazardous substances. None of the changes proposed would decrease the effectiveness of these protections. One, the proposed regulation of hazardous substances in sensitive areas containing water features, will decrease the discharge of such substances to water.

By also regulating development in hazard areas, the proposal decreases the probability of damages to development that could result in unanticipated discharges to water or the release into the environment of toxic or hazardous substances. These regulations cover landslide and steep slope areas which reduce slope failures and erosion - a significant source of sediment to water features. The regulations work to reduce the incidence of erosion and slope failures, thereby reducing the discharges of sediment to water. By also regulating development in seismic, volcanic and floodplains, the possibility of the release of toxic or hazardous materials are also reduced. Proper siting and building regulations will limit the potential for natural disasters to cause the release of such substances into the environment. There are also limits to the storage of hazardous materials during the flood season within floodplains.

There are no revisions to the current regulations in the proposal that would be considered to increase the discharges to water or air, or increase the production, storage or release of toxic or hazardous substances or the production of noise.

Proposed measures to avoid or reduce such increases are:

The proposal clarifies many of the current regulations and the requirements for development applications in order to improve the understanding of what is required and how the conditions will be implemented. This clarification should improve the consistency of regulation of sensitive areas which will further reduce discharges to water or the release of

toxic or hazardous materials. Detailed regulation is also added in this proposal for protection of channel migration areas that should also reduce such increases. These are areas where rivers are expected to migrate over time, undercutting and destroying any development in their paths. The proposal limits the types of allowable development in these areas and does not allow the storage hazardous materials.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal will provide direct benefits to plants, animals, fish and marine life by improving the consistency and effectiveness of protecting sensitive areas. These habitats represent an important part of the remaining land base available for species. By improving protections to these important areas, at least some of the County's habitat will remain - ensuring that there is suitable habitat for species to survive. Many of these sensitive areas provide for important life stages (or in some cases all the life stages) of species.

The layout of these habitats form contiguous corridors along and between waterways and natural features to ensure connections among these habitats. These connections are improved by the County's identified wildlife corridors, which have been defined to make connections where the sensitive areas would not and to capture additional components of important habitat in King County. The intent is to ensure that there is enough habitat remaining in King County for species to survive and that they are connected to provide access and distribution of those species. It is estimated that sensitive areas represent approximately 20 to 25 percent of the land base of the County.

The regulations that set aside these habitats also provide buffers from some sensitive which help to protect those areas from the effects of development and human presence. These buffers will reduce the effects on sensitive areas from runoff from developed areas and the introduction of materials into the sensitive areas from sedimentation or more direct forms of dumping or transport of materials. They also have indirect benefits of reducing the effects of increased flows from developed lands by providing natural areas to help absorb some of the excess runoff from development.

By regulating hazard areas, the proposal also indirectly benefits species by reducing impacts that occur to habitats or individual species for damage to the built environment. The regulations help to reduce failures of slopes and inputs of sediment, human-made materials and hazardous substances into the environment which can have deleterious effects on habitats and species. hazard areas. insuring that a percentage of the natural habitat remains essentially unaltered, it is hoped that these species will

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Changes in this proposal that would increase existing protection and conservation include specific provisions when streams or wetlands would require additional buffers. The provisions include increased protections when endangered or threatened species or state-listed priority species or habitats are present in the sensitive area or minimum buffer. Additional buffers are also needed when habitats or species of rare occurrence are found. In these cases, the species will receive the extra protections afforded by larger buffers from developed areas.

Another change which should help improve the implementation of the ordinance and, therefore, the protection of species is clarification of when salmonids will be present in streams. The state has found that salmonids are usually present in streams that are less than 20 percent slope and do not have a blockage between that stream segment and known

salmonid-bearing waters. The state has added this clarification into the definition of streams under the Forest Practices Act. The County proposes to include similar language. This change should help ensure that streams with salmonids are correctly identified and receive the needed protection afforded under the code from larger buffers.

The County is also proposing to raise the amount of habitat required to be replaced or improved when a proposal impacts some sensitive areas. This mitigation of impacts is meant to make up for the loss of sensitive areas or impacts to its habitat. Recent studies have shown that the success of these mitigation projects have been low. In certain situations which have shown very low success rates, the County is proposing to raise the required mitigation. This change should result in the final replacement of habitat to get back to the existing requirement of no net loss. Increased success in achieving no net loss will increase protection of species dependent on these sensitive areas.

Another change which should improve protections of species is the blanket regulation of pesticides and other hazardous substances in sensitive areas that contain water features or could be damaged from the improper denuding of vegetation. The existing regulations allows the County to prohibit the use of these substances but does not specify either when or how. The application in these areas will now require review to ensure that they are used properly and will not cause any unintended harm to the sensitive area.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal should not directly result in depletion of energy or natural resources or promote activities which would consume these resources. By keeping development out of sensitive and hazard areas, natural resources should be preserved and energy consumption should be lowered. These areas are historically harder to develop and consume more natural resources and energy in order to build in these areas. If proponents chose to try and develop in marginal hazard areas, the energy and natural resource consumption may be increased in those instances.

Many of these areas also represent substantial stocks of natural resources and their protection helps to sustain those resources.

Proposed measures to protect or conserve energy and natural resources are:
See answer above.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

The purpose of the County's regulations to protect sensitive areas sets the uses allowed in these areas and the measures to protect these areas from impacts from development. All of the areas designated for government protection listed above except for historic or cultural sites and prime farmland are directly affected by these regulations. The regulations protect all streams, wetlands (except for those under 2,500 sq. ft. within the Urban Growth Area), steep slopes and floodplains in the County. These features are protected from most impacts resulting from development to their functions. In doing so, most of the government-designated areas for protection are protected by County regulations. Those portions of parks and wilderness areas that are not sensitive areas as defined by these regulations are not directly regulated by the County.

There are no proposed changes to the County's regulations which should decrease the protection of these government-designated areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

In most cases where County regulations are in force, the proposed regulations exceed any state or federal regulations. The County's regulations only allow some limited alterations to streams, wetlands, steep slopes, and their buffers. These are usually only for utility services, public projects or single family residences when there is no feasible alternative. Any impact that is allowed has to be fully mitigated. As mentioned in the answer to question 2, there are additional protections required when endangered or threatened species or state-listed priority habitat or species are present.

For floodplains, the County maintains one of the most stringent regulations in the Country. Not only is the volume of floodwater strictly controlled to stop any rise in floodwaters, the placement of obstructions which may backup water is also strictly controlled. The proposal also clarifies how the County will protect Channel Migration Areas, which adds another important protection to floodplains. This protection is consistent with the federal flood insurance program's guidance for local jurisdictions to protect areas subject to erosion from flood events.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The County's sensitive areas regulations works in conjunction with the County's Shoreline Management Program (SMP) to regulate shoreline. All shorelines in the County have to demonstrate compliance with the sensitive areas code. Those shorelines that meet the definition of shorelines of the state also have to demonstrate compliance with the County's SMP. Each regulatory program focuses on specific issues. Sensitive areas targets retaining naturally vegetated buffers around these water bodies as a protection measure. The County's SMP targets uses compatible with waters of the state and setbacks to maintain those uses (or future opportunities for those uses). By exclusion from some of these areas, the sensitive areas proposal may limit uses allowed under the County's SMP, but it not incompatible with the goals of the SMP. There are no proposed changes to the regulations which would significantly change this relationship between the regulations or further encourage incompatible uses in these lands.

Proposed measures to avoid or reduce shoreline and land use impacts are:

As discussed above, the sensitive areas regulations require avoidance of most of these shorelines. In those cases some use is allowed, mitigation is required for any impacts to those shorelines.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The County's sensitive areas regulations require additional expenditures for some transportation and utility projects which cross, enter or otherwise impact sensitive areas. These actions may not increase demands on services but may limit the number of projects those agencies provide in any budget cycle if those expenses were not incurred. Others argue that the expenditures result in safer projects which are not damaged in the future. This savings of money in the long-term negates any short-term expenditures and demands on services.

Proposed measures to reduce or respond to such demand(s) are:

See discussion above.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal will not conflict with any local, state and federal laws or requirements for the protection of the environment. The proposal includes some changes to make the County's regulations consistent with state requirements under the Growth Management Act - particularly in buffers and mitigation ratios for wetlands.